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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/667,143      | 09/19/2003  | Kara Webster         | 2737.DHE.NP         | 7205             |

27472 7590 12/16/2004

RANDALL B. BATEMAN  
BATEMAN IP LAW GROUP  
4 TRIAD CENTER, SUITE 825  
PO BOX 1319  
SALT LAKE CITY, UT 84110

EXAMINER

ROYAL, PAUL

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3611

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/667,143 | <b>Applicant(s)</b><br>WEBSTER ET AL. |  |
|                              | <b>Examiner</b><br>Paul Royal        | <b>Art Unit</b><br>3611               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-12 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-19 is/are allowed.
- 6) ☒ Claim(s) 1-6,8-12 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on 08/31/04 has been entered. Note applicant should not include the text of canceled claims. See canceled claims 7, 13, and 14.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, claim 15 depends from canceled claim 14. In the interest of furthering prosecution on the merits, as best understood applicant is referring to cutout 31 in figure 2.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1-4, 5, 6, 9, 12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Fleming (US 5,725,232).

Fleming teaches an alignment device to guide the tongue of a trailer toward the hitch ball of a tow vehicle comprising:

a generally horizontal base plate (24), the base plate comprising a generally flat piece of metal having a hole (26) therein for receiving a hitch ball on a trailer hitch post, and

a generally vertical back plate (12), the back plate being formed from a single continuous piece of metal which is bent into a V or U shapes the bottom edge (60) of the back plate being attached to the base plate such that the bottom edge of the back plate extends downwardly past the base plate so as to engage a trailer hitch post and thereby inhibit rotation of the base plate,

the back plate further comprising a generally rectangular opening/cutout/hole (42) formed in the bottom of the back plate, and extending above the base plate, the opening being configured for engaging the hitch post and thereby prevent rotation of the alignment device.

For claim 5, the bottom edge of the back plate is understood to be extendable at least  $\frac{1}{2}$  inch below the base plate to help distribute the impact load.

For claim 6, the v-shape vertical back plate (12) is an inherent gradation of a curved back plate.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8, and is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming, as applied to claim 1, in view of Poe (6,322,094).

Fleming teaches an alignment device to guide the tongue of a trailer toward the hitch ball of a tow vehicle having the claim limitations except a trailer hitch safety cover.

Poe teaches a trailer hitch safety cover comprising a plastic covering (10) disposed on the base plate, to provide a trailer cover that is attractive.

It would have been obvious to one of ordinary skill at the time of the invention to modify the hitch guide assembly of Johnson to include a plastic covering disposed on the base plate, as taught by Poe, to provide a trailer cover which is attractive.

5. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming, as applied to claim 9, in view of Poe (6,322,094).

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Fleming teaches an alignment device to guide the tongue of a trailer toward the hitch ball of a tow vehicle having the claim limitations except a trailer hitch safety cover.

Poe teaches a trailer hitch safety cover comprising a plastic covering (10) disposed on the base plate, to provide a trailer cover that is attractive.

It would have been obvious to one of ordinary skill at the time of the invention to modify the hitch guide assembly of Fleming, as applied to claim 9, to include a plastic covering disposed on the base plate, as taught by Poe, to provide a trailer cover which is attractive.

***Allowable Subject Matter***

6. Claims 16-19 are allowed.

7. The following is an examiner's statement of reasons for allowance: the prior art does not show an alignment device which includes the base plate being bent so as to form a channel extending from the front edge to the back edge, the base plate configured to receive a hitch post, an opening formed along the channel for receiving a hitch ball, and a generally vertical V or U shaped back plate extending vertically from the base plate.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-6, and 8-12 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 703-308-8570. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 703-308-0629. The


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fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
P. Royal  
12/13/04

Paul Royal  
Examiner  
Art Unit 3611

  
**LESLEY D. MORRIS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**